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SUMMARY RECORD OF THE 45th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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The meeting was called to order at 10 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Part I) and (Part II), A/51/81, A/51/87, A/51/90, A/51/114, A/51/208-S/1996/543, A/51/210, A/51/462-S/1996/831; A/C.3/51/9)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Ms. HADAR (Israel), speaking on agenda item 110 (b), said that Israel had begun to contribute to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education and had been encouraged by the plans of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to initiate an Interregional Project for a Culture of Peace and Non-Violence in schools.

2. The peace process between Israel and its neighbours had brought to the surface the difficulties and divisions to be overcome and the immediate need to better prepare the ground for the young generation to live in the new society which must be built. To that end, the Ministry of Education had developed programmes during the previous year aimed at strengthening the foundations of democracy by enhancing civil education and deepening the messages of equality before the law, protection of minority rights and freedom of speech.

3. Since democracy was centred on the sovereign right of the individual to shape his own destiny, in a rapidly changing world, education must ensure the dissemination of the universal values of human rights. To that end, a new programme focussing on the multicultural and pluralistic aspects of democratic societies had been developed to emphasize the legitimacy of disagreements and the importance of compromise. In addition to study programmes and discussion groups, youths would also be encouraged to collaborate with non-governmental organizations which were working for the protection of the rights of citizens, vulnerable groups and minorities. In order to develop better relations between

neighbouring States, each citizen must first be taught tolerance and solidarity at home and then to apply it to others and to aliens abroad.

4. She thanked the Centre for Human Rights in Geneva for the assistance which it had promised for Israel's efforts to organize a regional workshop to train pre-school teachers in human rights education. It welcomed the initiative of the Swiss Government to establish working groups within the framework of the peace process aimed at promoting cooperation between the countries of the region in the field of human rights education and protection of the rights of the child and looked forward to the joint workshop to be held under the auspices of the Government of Tunisia.

5. The continuation of the peace process and the creation of an atmosphere of cooperation was vital for regional stability and progress. The various regional summits would enable all the countries of the region to tear down the walls of suspicion and work together for the benefit of all the peoples of the Middle East.

6. Ms. GORGIEVA (The former Yugoslav Republic of Macedonia), speaking on agenda item 110 (c), recalled that, in its resolution 1996/71, the Commission on Human Rights had made a distinction between the Republic of Macedonia and the other territories that were part of the former Yugoslavia. She nevertheless wished to reiterate that Macedonia must be completely excluded from the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights situation in the territory of the former Yugoslavia. There was in fact no reason to link the Republic of Macedonia with the territories in conflict in the region and with the gross violations of human rights which had occurred there. The Security Council had clearly recognized that situation by granting a fully autonomous status to the United Nations Preventive Deployment Force (UNPREDEP) in the Republic of Macedonia. That Mission was one of preventive diplomacy aimed at preventing the spillover into Macedonia of conflicts from Bosnia and Herzegovina and Croatia. Consequently, any human rights field operation was unnecessary.

7. The Republic of Macedonia was a party to all the fundamental United Nations Conventions for the protection of human rights and had ratified the Optional Protocol to the International Covenant on Civil and Political Rights. It was also a member of the Council of Europe and thus had available to it the judicial protection mechanism provided by the European Convention on Human Rights which the Republic of Macedonia had also signed and would ratify at the end of 1996.

8. The mandate of the Special Rapporteur of the Commission on Human Rights should be adapted to the recent developments in the territory of the former Yugoslavia which had resulted in the signing of the Dayton Agreement. The Republic of Macedonia was not a party to that Agreement, which did not relate to its territory, but was nevertheless ready to contribute actively to its implementation.

9. The international community should develop different approaches to the monitoring of the various human rights situations in the region in order to recommend solutions to the real problems and to commend positive examples. The Republic of Macedonia was quite open to cooperation, but only within the framework of the regular mechanisms of international organizations. It

sincerely hoped therefore that its arguments would be taken into account when the relevant decision was made at the following session of the Commission on Human Rights.

10. Aware of the importance of the enjoyment of human rights as an indicator of the democratic development of any State, the Government was committed to promoting the legal framework, which, moreover, conformed to international standards for the protection of human rights and in certain areas went beyond those standards. The protection of the rights of persons belonging to national minorities was determined by special provisions at the constitutional level. However, no hasty conclusion should be drawn that the Republic of Macedonia was leaving no room for future improvement.

11. Mr. GUBAREVICH (Belarus) recalled that human rights were universal and indivisible and that all Governments should cooperate to resolve humanitarian problems together and to promote international peace and security and friendly relations among peoples.

12. Belarus, which was one of the founding Members of the United Nations, was endeavouring to build a democratic society based on political pluralism and the rule of law. Democracy and, by extension, respect for the fundamental rights and freedoms of the human person were essential conditions for sustainable development. In recognition of that fact, the Parliament of Belarus had adopted laws on citizenship, freedom of conscience, religious organizations, national minorities, refugees and the rights of the child. Belarus was seeking to minimize the social impact of the transition towards a market economy by guaranteeing to the best of its ability social, economic and cultural rights, as well as all the fundamental rights enshrined in its Constitution.

13. Moreover, at the institutional level, Belarus had established a national committee on the rights of the child and planned to establish a committee for human rights education. It was also preparing for the establishment of a human rights institute which would ensure that the rights guaranteed by its Constitution and the international agreements to which it was a party were respected. It hoped to make use of the advisory services and technical assistance provided by the international community in order to strengthen its human rights institutions.

14. His delegation wished to stress the importance of the Conference on Refugees, Returnees, Displaced Persons and Related Migratory Movements in the Commonwealth of Independent States and Relevant Neighbouring States, held in Geneva in spring 1996. Belarus currently had more than 200,000 refugees and displaced persons and could not guarantee the exercise of their social and economic rights. The plight of thousands of persons all over the world who were forced to leave their countries, were homeless and had no means of subsistence was well known. It was hoped that, together, the Office of the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe (OSCE) and the International Organization for Migration would find solutions to that problem.

15. At the regional level, Belarus cooperated closely with the OSCE Office for Democratic Institutions and Human Rights and with the Council of Europe.

16. Belarus thanked those States which had supported the candidacy of the Belarusian expert for the Committee on Economic, Social and Cultural Rights and was particularly grateful that they had done so at a difficult time in its democratic evaluation. The international community had every right to expect Belarus to strengthen its human rights monitoring machinery.

17. As respect for fundamental rights and freedoms was an essential precondition for peace and security in the world, and for the prevention of international disputes and conflicts, Governments must, in order to strengthen international human rights monitoring machinery, report in a timely fashion on the manner in which they fulfilled their treaty obligations and must be required to cooperate with the United Nations special rapporteurs, working groups and experts. Belarus invited all Governments to join in its efforts to that end and to cooperate with the special rapporteurs of the Commission on Human Rights.

18. Belarus welcomed the efforts made to strengthen the activities of the Centre for Human Rights and supported the change plan submitted in accordance with the High Commissioner's recommendations. By eliminating some programmes which were not yielding the desired results, it should be possible to channel resources more effectively into the promotion of human rights.

19. Belarus welcomed the outcome of the fifty-second session of the Commission on Human Rights and the fact that it had adopted a large number of resolutions by consensus. It believed, nonetheless, that only constructive dialogue between Governments would lead to effective promotion of human rights. The Commission should therefore not only organize exchanges of views and informal consultations in order to improve the political climate and prevent confrontation, but also make every effort to depoliticize human rights issues and to remain neutral. In that connection, Belarus supported the idea of establishing an informal mechanism to facilitate inter-sessional contacts and exchanges of views on questions of general interest, provided, of course, that such a mechanism did not entail additional expenditure. It would be useful to increase the transparency of the Commission's activities and to reduce the number and length of its resolutions in order to expand their scope and facilitate their implementation.

20. Belarus had learnt the hard way that it was essential to promote human rights in order to build a world without conflict in the post-cold-war era. Committed to the spirit and letter of international norms, it remained determined to cooperate in implementing them.

21. Archbishop MARTINO (Observer for the Holy See), speaking on agenda item 110 (c), said that, in his address to the General Assembly in October 1995, Pope John Paul II had drawn attention to the need to respect differences among peoples. The suffering of thousands of children, women and men in Zaire, Rwanda and Burundi commanded the attention of the international community and could only engender a horror of hatred and intolerance.

22. Since 1993, Burundi had experienced the violence which came of the inhumane logic of inter-ethnic conflict. The consequence was a humanitarian tragedy which mainly affected the poorest sectors of society and would end only if the international community stepped in to create lasting peace and stability in the region.

23. The Holy See called for the easing of the sanctions imposed on Burundi, particularly with regard to the provision of medicines, the importation of teaching materials and school supplies, the delivery of seeds and fertilizers and the fuel necessary for shipping those humanitarian supplies.

24. A remedy must be found for the turbulence that had given rise to genocide, the displacement of populations, growing and sometimes absolute poverty and political unrest in the Great Lakes region. His delegation hoped that a peaceful settlement would be attained through negotiation, overtures of peace and cooperation.

25. Mr. ABDELLAH (Tunisia) said that the United Nations had made an outstanding contribution to the promotion and protection of human rights by providing the international community with universal instruments which States were required to implement in a global, impartial and non-discriminatory manner.

26. Tunisia had signed almost all the international human rights instruments and, once they were ratified, they were accorded supreme status in the legal hierarchy under its Constitution. At the national level, efforts had focused on translating universal human rights principles into reality in the context of establishing the rule of law. A number of laws had thus been amended or promulgated, including a code for the protection of the child that went beyond the minimum norms contained in the Convention on the Rights of the Child. Nonetheless, there must be a culture underlying freedom and democracy that guaranteed effective respect for human rights. Priority must therefore be accorded to the education of all citizens in order to prevent human rights violations. Tunisia had thus adopted a law aimed at restructuring its educational system and curricula in order to enable young persons to assimilate their rights and duties and to exercise them on a daily basis. It had also established a national commission for human rights education, thereby contributing to the United Nations Decade for Human Rights Education.

27. At a time when scientific and technological progress was bringing people together, it was essential to affirm tolerance as a universal principle. The Carthage Charter on Tolerance, adopted in 1995 as part of the preparations for the United Nations Year for Tolerance, had paved the way for dialogue and the strengthening of peace and cooperation among the peoples of the Mediterranean basin.

28. His country, convinced of the indivisible nature of human rights, had endorsed the Declaration on the Right to Development and the Vienna Declaration and Programme of Action, which reaffirmed the right to development as an inalienable human right. He welcomed the establishment of an intergovernmental group of experts entrusted with the task of preparing a strategy for the realization and promotion of the right to development and the efforts of the High Commissioner for Human Rights to promote cooperation between the human rights programme of the United Nations, the financial institutions and the regional commission.

29. Human rights questions should be perceived and dealt with impartiality in order to avoid harmful deviations, while taking into account the national choices and characteristics of Member States, in accordance with the principles of the Charter of the United Nations.

30. Mr. TÜRK (Slovenia), Chairman of the Working Group of the Third Committee, recalled that the Group had resumed its work at the forty-ninth session of the General Assembly in order to consider the question of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of part II of the Declaration (A/CONF.157/23). He had thus prepared a non-paper based on the ideas expressed in the Working Group, which took the form of a three-part draft resolution, reflecting the three substantive aspects of paragraph 17 of the Vienna Declaration. The non-paper, which had been accepted as the basis of the Group's future work, had been discussed in detail, and a number of amendments had been proposed, including by the Non-Aligned Group, in November 1995, and by the European Union in March 1996. As requested by the Working Group, on 29 May 1996 he had prepared a compilation of proposals which the Working Group had considered on 4 and 17 June 1996 and again from 3 to 5 September 1996, in order to have a more thorough substantive discussion. In the light of that discussion, the compilation of proposals had proved to be sufficiently comprehensive; details had been added, but no new substantive elements had been introduced. The discussion had brought to light a certain convergence of views, as well as differences on many issues; it therefore appeared necessary to continue the discussion in January 1997, with the requisite conference services, on the basis of the compilation of proposals of 29 May 1996. Although he had expressed his readiness to prepare a new text that would provide a synthesis, the members of the Group had been of the view that work should continue on the basis of the compilation of 29 May, which was available for consultation from the Secretariat. He proposed that the Committee should recommend that the Working Group should continue its work during the fifty-first session of the General Assembly on the basis of that compilation.

31. The CHAIRMAN said that if she heard no objections, she would take it that the Committee wished to recommend to the General Assembly that agenda item 110 (b) should remain under consideration so that the Working Group could continue its work in 1996.

32. It was so decided.

Introduction of draft resolutions

AGENDA ITEM 110 (a): IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.33)

33. Mr. FREDERIKSEN (Denmark), introducing draft resolution A/C.3/51/L.33, entitled "Torture and other cruel, inhuman or degrading treatment or punishment", on behalf of the Nordic countries, the Netherlands and the other sponsors, which also included Portugal, said that it combined several earlier resolutions on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Following intensive consultations, agreement had been reached on a number of amendments.

34. In paragraph 1, the phrase "Commends the Committee against Torture for its excellent report" should be replaced by "Welcomes the report by the Committee against Torture"; in paragraph 7, line 4, following the words "all concerned", the words "including Member States" should be added; in paragraph 9, the first

line should be replaced by "Commends the Office of the High Commissioner for Human Rights/Centre for Human Rights of the Secretariat", with the remainder of the paragraph unchanged; in paragraph 12, the word "optional" should be inserted before the word "protocol", and the phrase "establishing a preventive system of regular visits to places of detention" should be deleted.

35. After summarizing the main operative paragraphs, he said that the draft resolution was the outcome of intensive consultations among the sponsors, and expressed the hope that it would be adopted without a vote.

36. Mr. STEFANOV (Bulgaria) said that his country had become a sponsor of the draft resolution.

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/51/L.37 and L.38)

37. Ms. SMOLCIC (Uruguay) introduced draft resolution A/C.3/51/L.37, entitled "The rights of the child", on behalf of the sponsors, which also included Australia, Cape Verde, Fiji, Singapore, Swaziland and Ukraine. Contrary to the footnote marked by an asterisk on the cover page, the country which held the chairmanship of the Group of Latin America and Caribbean States was Jamaica, not Uruguay.

38. After reading out the titles of the sections of the draft, she said that the efforts to find solutions to the problems affecting children had elicited a positive response from the delegations of countries in the region. During the negotiations, delegations had endeavoured to arrive at a text which reflected the concerns aroused by the situation of children, so that urgent measures could be taken to meet children's basic needs and protect their rights. She hoped that further negotiations would lead to the submission in 1997 of a draft resolution on the girl child so that all aspects of the question would be covered, and that draft resolution A/C.3/51/L.37 would be adopted without a vote.

39. Ms. EDWARDS (Marshall Islands) and Ms. PHAM THI THANH VAN (Viet Nam) said that their countries had become sponsors of the draft resolution.

40. The CHAIRMAN said that Guatemala had also joined the sponsors of the draft resolution.

The meeting rose at 11.15 a.m.